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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,782	04/20/2001	Brian Cooper	A01006	9763
26643	7590	07/17/2006	EXAMINER	
PETER J. GORDON, PATENT COUNSEL AVID TECHNOLOGY, INC. ONE PARK WEST TEWKSBURY, MA 01876				RUTLEDGE, AMELIA L
ART UNIT		PAPER NUMBER		
		2176		

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/838,782	COOPER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/18/06</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed 04/18/2006; Request for Continued Examination filed 04/18/2006.
2. Claims 1-14 are pending. Claims 1, 7, and 10 are independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/18/2006 has been entered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-5, 7-9, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Escobar et al. (hereinafter “Escobar”), U.S. Patent No. 5,659,793 issued August 1997.**

**Independent claim 1 cites:** *An editing system comprising: a timeline interface having at least one interactive track for interactive content and at least one track for time-based media, wherein interactive content may be associated with a point in time on the at least one track for interactive content; and*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media.

Claim 1 also cites: *means for allowing a user to place interactive content on the at least one interactive track according to a selection of whether the interactive content is placed on the at least one interactive track either at a point in time with a locator object, wherein a locator object is an object that is attached to a source clip object in the timeline at a specified point in time on the clip, or for a duration with a source clip object wherein a source clip object is an object that has a start position and a duration in the track.*

Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41). Escobar teaches that the interactive content may be placed on the

interactive track for a duration with a source clip object, where a source clip object is an object that has a start position and a duration in the track, since Escobar teaches a clip object with beginning and ending time codes, and a duration is a period of time (col. 9, l. 20-45).

**Claim 2 cites:** *The editing system of claim 1, further comprising: a bin for storing interactive content;*

*means for importing interactive content into the bin such that interactive content is represented by an object in the bin, wherein the object is associated with a unique reference to the interactive content, and wherein information describing the interactive content is stored as an attribute of the object;*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template (Col. 9, l. 20-45); compare to *and wherein information describing the interactive content is stored as an attribute of the object.* Files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard format, it is inherent in the disclosure of Escobar that the file is associated with a unique reference, as industry standard format requires the unique identification of files.

*wherein the means for allowing a user to place interactive content on the at least one interactive track accesses objects representing the interactive content from the bin; and means for updating the information describing the interactive content stored as an*

*attribute of the object in the bin by accessing the interactive content using the unique reference in response to the user invoking a refresh operation.*

Escobar teaches a process by which the user views the contents of the bin and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). Escobar teaches displaying accessing objects representing the interactive content from the bin, represented by icons, in Fig. 5E and Fig. 5H. Escobar also teaches a method of updating properties of the interactive content in the IDL by accessing the interactive content, using the file reference, in response to a refresh operation (col. 10, l. 37-58 especially lines 55-58). Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object (Col. 9, l. 45-63).

**Claim 3 cites:** *The editing system of claim 2, wherein the interactive content is a trigger element and the unique reference includes a file name for a trigger file including a description of the trigger element and a unique identifier of the trigger element.*

Escobar teaches the creation and use of program objects, i.e., trigger files, to perform a variety of functions, which can be dragged and dropped onto interactive tracks (Col. 8, l. 29-67). The objects are stored and edited in the same manner as other objects stored in the bins. Escobar also teaches a method for storing a pointer to objects dropped on the timeline so that memory can be accessed to obtain the records referenced by the pointers at runtime (Col. 10, l. 24-26, l. 37-45).

**Claim 4 cites:** *The editing system of claim 2, wherein the interactive content is a document and the unique reference includes a file name for the document.*

Escobar teaches the creation of graphics or text overlay assets, i.e., documents with a graphic/text editor (Col. 9, l. 64-Col. 10, l. 9). Escobar teaches that files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard format, it is inherent in the disclosure of Escobar that the file is associated with a file name, as industry standard format requires the naming of files.

**Claim 5 cites:** *The editing system of claim 1, further comprising: a bin for storing interactive content; means for importing interactive content into the bin such that information about the interactive content is stored in the bin; wherein the means for allowing a user to place interactive content the at least one interactive track stores information about the interactive content as an attribute of the object used for the interactive content.*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template, so that information about the content is stored in the bin (Col. 9, l. 20-45). Fig. 6 of Escobar discloses timeline management where a data structure is associated with each timeline track; the structure is a linked list, and each entry in the list points to another data structure, which contains the information necessary to execute the object on the timeline (Col. 11, l. 30-35). This data structure stores information about the object as an attribute.

**Amended independent claim 7 cites:** *An editing system comprising: a timeline interface for specifying a program having at least one interactive track for interactive content and at least one track for time-based media, wherein interactive content may be associated with a point in time on the at least one interactive track;*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media. Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41).

*a bin for storing interactive content;*

*means for importing interactive content into the bin such that interactive content is represented by an object in the bin, wherein the object is associated with a unique reference to the interactive content, and wherein information describing the interactive content is stored as an attribute of the object;*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template (Col. 9, l. 20-45); compare to *and wherein information*

*describing the interactive content is stored as an attribute of the object.* Files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard format, it is inherent in the disclosure of Escobar that the file is associated with a unique reference, as industry standard format requires the unique identification of files.

*means for allowing a user to place interactive content represented by an object selected from the bin on the at least one interactive track; means for allowing a user to edit placement of the interactive content on the at least one interactive track and* Escobar teaches a process by which the user views the contents of the bin and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). Escobar teaches means for a user to edit placement on the interactive track (col. 10, l. 10-36, esp. l. 23).

*means for updating the information describing the interactive content stored as an attribute of the object in the bin by accessing the interactive content using the unique reference in response to the user invoking a refresh operation.*

Escobar teaches a process by which the user views the contents of the bin and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). Escobar teaches displaying accessing objects representing the interactive content from the bin, represented by icons, in Fig. 5E and Fig. 5H. Escobar also teaches a method of updating properties of the interactive content in the IDL by

accessing the interactive content, using the file reference, in response to a refresh operation (col. 10, l. 37-58 especially lines 55-58). Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object (Col. 9, l. 45-63).

**Regarding dependent claims 8 and 9,** claims 8 and 9 reflect the same concepts described in the editing system as claimed in claims 3 and 4, and are rejected along the same rationale.

**Regarding dependent claim 13,** Escobar also teaches a method of updating properties of the interactive content in the IDL by accessing the interactive content, using the file reference, in response to a refresh operation (col. 10, l. 37-58 especially lines 55-58). Therefore, Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object in the IDL (Col. 9, l. 45-63).

**Regarding dependent claim 14,** claim 14 is directed toward substantially similar subject matter as claimed in claim 13, and is rejected along the same rationale.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**7. Claims 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar, and further in view of Kanda, U.S. Patent No. 6,324,335 issued November 2001.**

**Regarding dependent claim 6,** Escobar teaches a multimedia application development tool, which includes graphics or text overlays, i.e., information to be displayed with video (Col. 8, l. 64-Col. 10, l. 9). Escobar teaches a means for playing back the program created with the timeline with an intelligent terminal or set top box or digital entertainment terminal (Col. 12, l. 16-Col. 15, l. 26). Escobar teaches a graphics display generator and video RAM that manipulate different planes of active video information (Col. 13, l. 35-Col. 14, l. 4). Escobar does not explicitly teach a specification of size and spatial position of the video relative to the information to be displayed in the display, or means for accessing the specification of the size and spatial position of the video for the interactive content corresponding to a point in time in the program, however, Kanda teaches data showing the size and spatial position of the video relative to the information displayed on the display (col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14).

Escobar does not explicitly teach a means for displaying the video and the display information of the interactive content according to the specification of the size and spatial position of the video relative to the information to be displayed in the display and the point in time in the program, however, Kanda teaches displaying the size and spatial position of the video relative to the information displayed on the display (Fig. 3; col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14).

*Both Escobar and Kanda are directed toward video editing systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kanda to Escobar so that the user would have the benefit of an editing system capable of high speed real time edition and having improved usability (Kanda, Col. 1, l. 44-46).*

**Independent claim 10 cites:** *An editing system comprising: a timeline interface for specifying a program having at least one interactive track for interactive content and at least one track for video, wherein interactive content may be associated with a point in time on the at least one interactive track;*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media. Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41).

Claim 10 also cites: *means for allowing a user to place interactive content on the at least one interactive track, wherein interactive content includes display information indicating information to be displayed in a display with the video from the at least one*

*track for video, and a specification of size and spatial position of the video relative to the information to be displayed in the display; and*

Escobar teaches a process by which the user views the contents of the bin of interactive content and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). Escobar teaches a multimedia application development tool, which includes graphics or text overlays, i.e., information to be displayed with video (Col. 8, l. 64-Col. 10, l. 9).

Escobar does not explicitly teach that the interactive content includes a specification of size and position of the video, however, Kanda teaches data showing the size and spatial position of the video relative to the information displayed on the display (col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14). Kanda also teaches displaying the size and spatial position of the video relative to the information displayed on the display (Fig. 3; col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14). Both Escobar and Kanda are directed toward video editing systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kanda to Escobar so that the user would have the benefit of an editing system capable of high speed real time edition and having improved usability (Kanda, Col. 1, l. 44-46).

Claim 10 also cites: *means for playing back the program specified by the timeline interface including: means for accessing the specification of the size and spatial position of the video for the interactive content corresponding to a point in time in the program; and means for displaying the video and the display information of the*

*interactive content according to the specification of the size and spatial position of the video relative to the information to be displayed in the display and the point in time in the program.*

Escobar does not explicitly teach a means for accessing and displaying the video and display information according to the specification and the point in time in the program, however, Kanda teaches data showing the size and spatial position of the video relative to the information displayed on the display (col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14). Kanda also teaches displaying the size and spatial position of the video relative to the information displayed on the display (Fig. 3; col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14). Both Escobar and Kanda are directed toward video editing systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kanda to Escobar so that the user would have the benefit of an editing system capable of high speed real time edition and having improved usability (Kanda, Col. 1, l. 44-46).

**Dependent claim 11 cites:** *The editing system of claim 10, further comprising:*  
*means for allowing a user to select interactive content;*  
Escobar teaches a means for a user to select an object of interactive content from a bin using icons (Col. 10, l. 10-36).

*means for launching an authoring tool corresponding to the selected interactive content, and for causing the authoring tool to access and open for editing the selected interactive content.*

Escobar teaches a software architecture which launches the authoring tool (Fig. 3, Col.

7, l. 57-65), and a development environment utilized to create interactive multimedia applications (Col. 7, l. 17-29). The tool is used to access and open the interactive content.

**Dependent claim 12 cites:** *The editing system of claim 10, further comprising:*  
*means for allowing the user to place time-based media on a track using one of a source clip object and a locator object; and*

Escobar teaches a method of placing an icon on a selected timeline track at a desired start time (Col. 10, l. 15-36). The icon represents an object, which may be an edited section of raw video, i.e., a source clip object (Col. 9, l. 46-63). A pointer to the object identified by the icon on the timeline track is then stored in a linked list for the selected timeline track at a location determined by its start time (Col. 10, l. 24-26), therefore the pointer is a locator object.

*means for allowing the user to perform editing operations that affect source clip objects and locator objects, whereby interactive content and time-based media are edited in the same manner to maintain synchronization.*

Escobar teaches that objects may be created to permit easy manipulation of portions of an asset during creation of a specific application, while other objects are more functional and may be reused. Escobar discloses video objects, audio objects, text/graphical objects, special effects, program objects and applications (Col. 6, l. 52-61). The user performs editing operations in a work space where currently selected objects may be displayed and edited (Fig. 1, Col. 6, l. 6-29). Escobar teaches that the objects are edited in the same manner (Col 9, l. 20-Col. 10, l.35).

### ***Response to Arguments***

Applicant's arguments filed 04/18/2006 have been fully considered but they are not persuasive. Regarding claims 1-5, applicant admits (Remarks, p. 6-8) that Escobar teaches either a starting and ending time or starting time and duration (p. 7, par. 3). Applicant has amended claim 1 to add the limitation, *wherein a locator object is an object that is attached to a source clip object in the timeline at a specified point in time on the clip, or for a duration with a source clip object wherein a source clip object is an object that has a start position and a duration in the track.* Escobar teaches that the interactive content may be placed on the interactive track for a duration with a source clip object, where a source clip object is an object that has a start position and a duration in the track, since Escobar teaches a clip object with beginning and ending time codes, and a duration is a period of time (col. 9, l. 20-45).

8. Regarding independent claim 7, applicant admits that Escobar teaches making an adjustment of the starting time of an object on the time line, thus the reliance on Kanda to teach the limitation *means for allowing a user to edit placement of the interactive content on the at least one interactive track* would be unnecessary (Remarks, p. 8, par. 6). The examiner agrees, and the rejections of claims 7-9 and 14 have been changed accordingly, as being anticipated by Escobar under 35 U.S.C. 102(b).

Applicant argues that Escobar does not teach the limitation *means for updating the information describing the interactive content stored as an attribute of the object in the bin by accessing the interactive content using the unique reference in response to*

*the user invoking a refresh operation* (Claim 7). However, Escobar does teach a method of updating properties of the interactive content in the IDL by accessing the interactive content, using the file reference, in response to a refresh operation (col. 10, l. 37-58 especially lines 55-58).

9. In response to applicant's arguments regarding claims 6 and 10-12, applicant has amended the claim limitations to claim a size and spatial position. Therefore, the new rationale for the claim rejections relies on the Kanda patent, which teaches data showing the size and spatial position of the video relative to the information displayed on the display (col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14). Kanda also teaches displaying the size and spatial position of the video relative to the information displayed on the display (Fig. 3; col. 17, l. 35-52; col. 17, l. 53-col. 18, l. 14).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

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AR

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PRIMARY EXAMINER